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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,487	10/07/2004	Olivier A. Furon	84267DAN	1574
1333 7590 09/03/2008 EASTMAN KODAK COMPANY PATENT LEGAL STAFF 343 STATE STREET ROCHESTER, NY 14650-2201				
EXAMINER				
NANO, SARGON N				
ART UNIT		PAPER NUMBER		
2157				
MAIL DATE		DELIVERY MODE		
09/03/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/510,487

**Applicant(s)**

FURON ET AL.

**Examiner**

SARGON N. NANO

**Art Unit**

2157

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/11/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) NONE is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12 is/are rejected.
- 7) ☐ Claim(s) NONE is/are objected to.
- 8) ☐ Claim(s) NONE are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is responsive to RCE filed on Aug.11, 2008. Claim 1 is amended. Claim 4 is cancelled. Claims 1 – 12 are pending examination.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 3, 5 - 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg U.S. Patent No. 7, 155, 070 in view of Squilla et al. U.S. Patent No. 6,623,528 (referred to hereafter as Squilla).

Steinberg teaches a visual cell phone notification of processed film images. Consumer can preview images of processed film sent from a film development laboratory to the consumer's cell phone equipped with visual display (see abstract). Squilla teaches a method of constructing a photo album, Squilla also teaches a method of generating an index print of thumbnails from digital images (see abstract).

As to claim 1, Steinberg teaches a process enabling a digital image to be displayed on a terminal equipped with a keyboard and a display screen, the process comprising the steps of:

a) composing from the keyboard of the terminal, an electronic message including at least one identifier of a photographic support comprising thumbnails b) sending from the terminal, the electronic message composed in said step a) to a messaging server, said messaging server being identified by a unique telephone number; (see col. 2 lines 1 – 22, Steinberg discloses an order for photographic prints is ordered by cell phone);

c) automatically transmitting said electronic message to a processing server; d) automatically processing, from the processing server, the electronic message sent, and automatically selecting a set of digital images corresponding to the thumbnails of the identified photographic support and included in the electronic message (see col. 3 lines 3 – 16, Steinberg discloses a message is sent to a consumer to view thumbnail images);

e) automatically transmitting to the terminal a notification of the availability of the set of selected digital images (see col. 3 lines 3 – 16, Steinberg discloses a message is sent to a consumer to view thumbnail images);

f) automatically displaying on the screen of the terminal the notification of the availability of the selected digital images (see col.3 lines 22 – 43 (see col. 3 lines 3 – 16, Steinberg discloses a consumer notified of prints are ready for pick up);

g) validating, from the terminal, a display request for the digital images selected in step d), enabling the display on the screen of the terminal of all identifiers of said respective thumbnails of said selected digital images, h) selecting at least one

thumbnail identifier of said set of thumbnails identifiers displayed at step g) and validating the at least one thumbnail (see abstract and figs. 3A – 3C).

i) automatically transmitting the digital image corresponding to the at least one thumbnail identifier selected at step h) to the terminal (see abstract and figs. 3A – 3C); and

J) automatically displaying the digital image transmitted in step i) on the screen of the terminal (see col. 3 lines 17 – 43 and figs. 3A – 3C Steinberg discloses a thumbnail image data is transmitted to a consumer's cell phone for viewing ).

Steinberg teaches the invention as mentioned above. Steinberg does not explicitly teach each of the thumbnails being assigned a thumbnail identifier. However

Squilla teaches a system and method of constructing a photo album where an image identification is printed adjacent to thumbnail images on an index print (see abstract and col.1 lines 46 – 67). It would have been obvious to one of the ordinary skill in the art to incorporate the teaching of Squilla of image identification that is assigned to thumbnails in Steinberg's invention to allow a customer the opportunity to view the images and indicate which images to be printed or ordered.

As to claim 2, Steinberg teaches the process according to claim 1, wherein, during said step b) an automatic invoicing is further carried out, the value of the invoiced sum being a function of a content of the electronic message composed at said step a) (see col. 3 line 61 – col. 4 line 2).

As to claim 3, Steinberg teaches the process of claim 1, wherein the display request comprises activating, from the keyboard of the terminal, a universal resource

location (URL) mentioned in the notification of availability (see col., 1 lines 16 – 45 and col. 3 line 61 – col. 4 line 2).

As to claim 5, Steinberg teaches the process of claim 1, such that in the transmission of a plurality of digital images to the terminal, said digital images are automatically displayed successively in a display sequence whose frequency can be programmed (see col. 3 lines 22 – 60 and fig.2).

As to claim 6, Steinberg teaches the process of claim 1, such that in the transmission of a plurality of digital images to the terminal, said digital images are displayed successively according to a request manually performed from the keyboard of the terminal (see col.3 lines 3 – 16).

As to claim 7, Steinberg teaches the process of claim 1, wherein the photographic support comprises an identifier located in a zone of said photographic support (see col. 4 lines 10 – 27).

As to claim 8, Steinberg teaches the process of claim 1, wherein the photographic support is a photographic index comprised of photographic paper (col. 4 lines 3 - 27).

As to claim 9, Steinberg teaches the process of claim 1, wherein the photographic support is a photographic filmstrip (see col. 4 lines 10 – 27).

As to claim 10, Steinberg teaches the process of claim 1, wherein the identifier of the photographic support is placed on a material support distinct from said photographic support (see col. 4 lines 10 – 27).

As to claim 11, Steinberg teaches the process of claim 1, wherein the terminal is a portable terminal (see col. 3 lines 3 – 16).

As to claim 12, Steinberg teaches the process of claim 11, wherein the portable terminal is a cell phone (see col. 3 lines 3 – 16).

### ***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive.

In the remarks , applicants argue in substance that :

A) Steinberg does not disclose " the display on the screen of the terminal of all the identifiers of said respective thumbnails".

B) Steinberg does not disclose "thumbnail identifiers".

In response to A). Nowhere in the claim language does it state all the thumbnails must be displayed simultaneously or at once. The claim merely requires the displaying of all images, a feature that is taught by Steinberg.

Steinberg teaches the displaying of the entire film thumbnails to facilitate selection by a consumer (see col.3 lines 23 – 44 and fig.2). Therefore Steinberg's disclosure of displaying the images meets the scope of the claimed limitation as currently stated.

In response to B). Sequilla was introduced to merely teach "image identification". Sequilla specifically teaches that the index corresponds to unique identifier for a digital version of the image which meets the scope of the claimed limitation (see col.1 lines 47 – 54).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARGON N. NANO whose telephone number is (571)272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sargon Nano  
August 25, 2008



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/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157

**Application Number****Application/Control No.**

10/510,487

**Applicant(s)/Patent under  
Reexamination**

FURON ET AL.

**Examiner**

SARGON N. NANO

**Art Unit**

2157